

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 KEVIN LEE FRANCOIS,) Case No. SACV 12-988-AG (PJW)
11)
12 Plaintiff,) ORDER ACCEPTING FINAL REPORT RE:
13) DEFENDANTS' MOTION TO DISMISS
14 v.) PLAINTIFF'S FIRST AMENDED
15 TROY ZEEMAN,) COMPLAINT AND ADOPTING FINDINGS,
16 et al.,) CONCLUSIONS, AND RECOMMENDATIONS
17) OF UNITED STATES MAGISTRATE JUDGE
18 Defendants.)
19 _____)

20 Pursuant to 28 U.S.C. § 636, the Court has reviewed the motion
21 to dismiss Plaintiff's First Amended Complaint, the records on file
22 herein, and the Final Report and Recommendation of the United States
23 Magistrate Judge. Further, the Court has engaged in a de novo review
24 of those portions of the Report and Recommendation to which
25 objections have been made. The Court accepts the findings and
26 recommendations of the Magistrate Judge and adopts them as its own
27 findings and conclusions.
28

1 IT IS THEREFORE ORDERED that Defendants' motion to dismiss
2 Plaintiff's excessive force claims against Defendants Gamble and
3 Zeeman is denied and Defendants' motion to dismiss the remaining
4 claims is granted without prejudice to renew should Plaintiff's
5 criminal conviction in Arizona be called into question.

6 IT IS SO ORDERED

7 DATED: March 26, 2017

8 

9
10 ANDREW J. GUILFORD
UNITED STATES DISTRICT JUDGE